



A handwritten signature in black ink, appearing to read 'RUSA KJL'.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.
David Leonardo ARCE

Defendant.

'08 MJ 8768
Magistrate Case No.:
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about August 24, 2008, within the Southern District of California, defendant David Leonardo ARCE, did knowingly and intentionally import approximately 26.15 kilograms (57.53 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Mathew Kelley, Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25TH DAY
OF AUGUST, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 David Leonardo ARCE

4 STATEMENT OF FACTS

5 This complaint is based on the personal observations,
6 investigation and information provided to Immigration & Customs
7 Enforcement Special Agent Mathew Kelley.

8 On August 24, 2008, at approximately 1953 hours, David
9 Leonardo ARCE (ARCE) entered the United States at the Calexico,
10 California, East Port of Entry. ARCE was the driver and sole
11 occupant of a 2001 Blue Ford Focus.

12 ARCE advised Customs and Border Protection Officer (CBPO)
13 Ayala the purpose of his trip to Mexico was to drop off his
14 father. ARCE also stated the vehicle he was driving was his and
15 that he purchased it approximately three weeks prior. A negative
16 Customs declaration was given by ARCE. CBPO Ayala noticed that
17 ARCE's voice was trembling and he would avoid eye contact. CBPO
18 Ayala referred ARCE to the vehicle secondary lot.

19 Canine Enforcement Officer (CEO) Price was on his way to the
20 pre-primary lanes as ARCE was referred to vehicle secondary. CEO
21 Price's narcotic detector dog alerted to the presence of
22 narcotics within the Ford Focus as ARCE was driving it to the
23 vehicle secondary.

24 During secondary inspection, a negative Customs declaration
25 was received by CBPO Barnes. ARCE then stated that he was
26 returning from dropping off his father at the airport. During
27 the interview CBPO Barnes noticed that ARCE was avoiding eye
28 contact.

29 A search of the vehicle resulted in the discovery of a
specially built compartment in the front bumper of the vehicle.

1 Discovered was a total of twelve (12) packages within the
2 compartment. One of the packages was probed producing a green
3 leafy substance, which field-tested positive for marijuana. The
4 12 packages had a combined net weight of approximately 26.15
5 kilograms (57.53 pounds).

6 ARCE was placed under arrest and advised of his Miranda
7 Rights. ARCE then stated, "What can I say, I got put in a
8 corner, my girl kicked me out, I lost my job and had no place to
9 stay, what can I say?"

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